

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT STOUD,	:	
	:	
Plaintiff	:	CIVIL ACTION - LAW
	:	
v.	:	
	:	
SUSQUEHANNA COUNTY, ET AL.,	:	NO. 3:17-CV-2183-MEM
	:	
Defendants	:	

MOTION OF DEFENDANTS TO DISMISS PLAINTIFF’S COMPLAINT
UNDER RULE 12(b)(6)

_____Defendants, Susquehanna County, Commissioner Elizabeth Arnold and Commissioner Mary Ann Warren, through their attorneys, Kreder Brooks Hailstone LLP, pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby moves for the dismissal of Plaintiff’s Complaint and cites the following reasons therefore:

1. This is an action to recover damages for alleged violations of Plaintiff’s constitutional rights under Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act (PHRA).

2. Plaintiff alleges that at various times materially relevant to his claim he was employed as Chief Clerk of Susquehanna County, Chief County Detective of Susquehanna County and Director of Public Safety of Susquehanna County.
3. Plaintiff's claim for Punitive Damages must be dismissed because punitive damages are not recoverable under either Title VII or the PHRA.
4. Plaintiff's complaint contains allegations that were not brought before the EEOC, therefore, those claims must be dismissed as they were not administratively exhausted.
5. Commissioners Arnold and Warren should be dismissed in their individual and supervisory capacities because Title VII does not impose liability on individuals.
6. Commissioners Arnold and Warren should be dismissed in their official capacity because the only proper defendant in a Title VII case is the 'employer,' pursuing such claims against individuals in their official capacities would be redundant.
7. Plaintiff's complaint should be dismissed because he does not allege that the discrimination he experienced was pervasive.
8. Plaintiff's complaint should be dismissed because he does not allege an adverse employment action.

WHEREFORE, it is respectfully requested that Plaintiff's Complaint against the Defendants, Susquehanna County, Commissioner Elizabeth Arnold and Commissioner Mary Ann Warren, be dismissed.

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BY: /s/A. James Hailstone
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Attorneys for Defendants
Susquehanna County, Commissioner Elizabeth
Arnold and Commissioner Mary Ann Warren

CERTIFICATE OF SERVICE

AND NOW, this 29th day of January, 2018, A. James Hailstone, a member of the firm of Kreder Brooks Hailstone LLP, electronically filed the foregoing Motion to Dismiss with the Clerk of the United States District Court for the Middle District of Pennsylvania using the CM/ECF system which sent notification of such filing to the following Filing Users at the following e-mail address(es):

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